

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 13 CA 10198 DPW

JOHN DOE,  
Plaintiff

v.

DIVISION OF ADMINISTRATIVE  
LAW APPEALS, BUREAU OF  
SPECIAL EDUCATION APPEALS,  
MASSACHUSETTS DEPARTMENT  
OF ELEMENTARY AND  
SECONDARY EDUCATION,  
MASSACHUSETTS DEPARTMENT  
OF ELEMENTARY AND ANDOVER  
PUBLIC SCHOOLS  
Defendants

**DEFENDANT ANDOVER PUBLIC SCHOOLS'  
ANSWER TO THE PLAINTIFF'S COMPLAINT**

Now comes the Defendant, Andover Public Schools, and answers the Plaintiff's Complaint as follows:

**Jursidiction:**

1. Paragraph 1 is a "preliminary statement" and requires no answer from the Defendant.
2. Admitted.
3. Admitted.
4. Admitted.

**Cause of Action:**

1. Admitted.

2. Denied.
3. Denied.
4. Denied.
5. The documents speak for themselves and the Defendant neither admits nor denies the allegations in paragraph 5.
6. The Defendant is without sufficient knowledge to admit or deny the allegations contained in paragraph 6. The Plaintiff has denied consent for the Defendant to speak with staff at the student's current private school.
7. The Defendant denies that the Plaintiff is aggrieved by the Decision issued by the Defendant Bureau of Special Education Appeals. In further answering, the Defendant states that the Andover Public Schools is aggrieved by the Decision in that is incorrect as a matter of law, is not supported by a preponderance of the evidence, is arbitrary and capricious, and is unwarranted by the facts on the record. The Defendant Andover Public Schools has also filed a complaint for judicial review of the final Decision of the Defendant Bureau of Special Education Appeals pursuant to 20 U.S.C. §1415(i)(2). That case is Civil Action No. 1:12-cv-12288-DPW.

**First Affirmative Defense**

The complaint fails to state a claim upon which relief can be granted.

**Second Affirmative Defense**

The complaint is barred for insufficiency of process.

**Third Affirmative Defense**

The complaint is barred for insufficiency of service of process.

**Fourth Affirmative Defense**

The complaint contains additional evidence not contained in the administrative record.

**Fifth Affirmative Defense**

The complaint is barred because the defendant is misnamed.

Dated: February 6, 2013

The Defendant,  
Andover Public Schools,  
By its attorneys,

*/s/ Amy M. Rogers*

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**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

Date: February 6, 2013

*/s/ Amy M. Rogers*

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Amy M. Rogers